

E-filed 5/18/07

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 ANTHONY S. NIKBAKHSHTALI,) CIVIL NO. C 05-04637 JF
13 Plaintiff,)
14 v.) STIPULATION AND PROPOSED ORDER
15 MICHAEL J. ASTRUE,) SETTLING ATTORNEY'S FEES
16 Commissioner of) PURSUANT TO THE EQUAL ACCESS TO
Social Security,) JUSTICE ACT (EAJA)
17 Defendant.)

18 TO THE HONORABLE JEREMY FOGEL, MAGISTRATE JUDGE OF THE DISTRICT
19 COURT:

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
22 Justice Act (EAJA) in the amount of Four Thousand Four Hundred dollars and no cents (\$ 4,400.00)
23 and Two Hundred Seventy-two dollars and four cents (\$ 272.04) in costs. This amount represents
24 compensation for all legal services rendered on behalf of Plaintiff by his attorney in connection with this
25 civil action for services performed before the district court through remand, in accordance with 28
U.S.C. §§ 1920 and 2412 (d).

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28 EAJA Stip
05-04637 JF

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of Four Thousand Four Hundred dollars and no cents (\$ 4,400.00) and Two Hundred Seventy-two dollars and four cents (\$ 272.04) in costs shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Respectfully submitted,

Dated: May 11, 2007

/s/ Harvey p. Sackett

(As authorized via facsimile on May 11, 2007)
Harvey P. Sackett
Attorney for Plaintiff

Dated: May 8, 2007

SCOTT N. SCHOOLS
United States Attorney
LUCILLE GONZALES MEIS
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/s/ Jean M.Turk
JEAN M. TURK
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED

DATED: 5/18/07

JEREMY FOGEY
UNITED STATES DISTRICT JUDGE

EAJA Stip
05-04637 JF